

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6101

BILL NUMBER: HB 1028

NOTE PREPARED: Nov 11, 2011

BILL AMENDED:

SUBJECT: Forfeiture of Vehicle Used to Flee Law Enforcement.

FIRST AUTHOR: Rep. Cheatham

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that a vehicle used in committing resisting law enforcement is subject to seizure if the vehicle is owned by the operator, or the spouse of the operator, of the vehicle.

Effective Date: July 1, 2012.

Explanation of State Expenditures:

Explanation of State Revenues: *Revenue from Vehicle Auction:* To the extent this bill results in an increased number of vehicles that are sold at auction, the Common School Fund and the state General Fund will receive additional revenue. Actual increases in revenue are unknown but will depend on any administrative costs that are deducted from the sale price of the auctioned vehicle (IC 34-24-1-4(d)(2)(D), IC 34-24-1-4(d)(2)(C) and IC 34-24-1-6).

Revenue from Contested Vehicle Seizure: If this bill increases the number of vehicles that are seized by law enforcement officers, the bill may also increase the number of individuals who petition the court to contest a vehicle seizure. Under current law, these court cases would proceed through civil court.

Court Fee Revenue: If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$5), judicial salaries fee (\$19), public defense administration fee (\$5), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be

collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Revenue from Vehicle Auction:* This bill is expected to increase local revenue for vehicles that are seized by local law enforcement (IC 34-24-1-4(d)(2)(C)(ii)). Actual increases in revenue are unknown but will depend on the number of locally seized vehicles used to flee law enforcement officers.

Revenue from Contested Vehicle Seizure: If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected: Indiana State Police, State Treasurer.

Local Agencies Affected: Law enforcement agencies, local courts.

Information Sources: Lt. Mark Carnell, ISP.

Fiscal Analyst: Bill Brumbach, 232-9559.